



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: SEPTEMBER 26, 2005

III.10.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-21
891 BAKER STREET, SUITE A-2

DATE: SEPTEMBER 15, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION


The applicant is requesting approval of a conditional use permit to allow the sale of alcohol for on-site consumption after 11 p.m. (midnight proposed) for a restaurant within 200 feet of a residentially zoned property, and a minor conditional use permit to deviate from shared parking requirements (66 spaces required; 63 spaces provided).

APPLICANT

Tojiro Okura is representing the property owner, Bear and Baker Limited.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The property is located on the southeast corner of Baker Street and Bear Street. It is zoned CL (Commercial Limited) with a General Plan designation of General Commercial. It contains two multi-tenant commercial buildings. The property is surrounded by commercially zoned and developed properties to the north and east (Marriott Residence Inn), and the Newport-Mesa Unified School District (I&R zone) to the southwest. The property located diagonally across Baker Street to the northwest (approximately 185 feet away) is zoned R2-MD (Multiple-Family Residential) and contains condominium units.

DISCUSSION

The applicant proposes to occupy a 1,480 square foot suite (A-2) for a Japanese restaurant. Requested are a conditional use permit to allow the sale of alcoholic beverages for on-site consumption after 11 p.m. (until midnight) within 200 ft. of a residential zone, and a minor conditional use permit to deviate from shared parking requirements (66 spaces required; 63 spaces provided).

CONDITIONAL USE PERMIT – SERVE ALCOHOL UNTIL MIDNIGHT

Proposed is a full-service restaurant at the northeast corner of the property along Baker Street. Staff does not anticipate any impacts because the primary business activity is a restaurant, not a bar or nightclub (no live entertainment or dancing is proposed). Conditions are proposed to ensure the business continues to operate as a restaurant. The suite in which the restaurant is proposed is located within a building that is oriented away from the adjacent property to the east (Marriott), and separated from the Marriott buildings by mature landscaping and an approximately 60-foot wide driveway and parking area. The majority of the parking for the commercial center is located between the buildings, near Baker Street. Since Baker Street is more than 100 feet wide, and the subject property is located approximately 185 feet away from the residential property diagonally across the street, no impacts are anticipated.

MINOR CONDITIONAL USE PERMIT – SHARED PARKING DEVIATION

A minor conditional use permit is required to deviate from shared parking requirements because a total of 66 parking spaces are required with the proposed restaurant; 63 spaces are provided within the commercial center. The restaurant is proposed to open only for dinner, between the hours of 6 p.m. and midnight. Since half of the businesses close by 6 p.m., parking required after 6 p.m. is 58 spaces with the restaurant. Because of the offset hours of operation, it is staff's opinion that the existing 63 spaces are adequate to support the proposed restaurant.

ALTERNATIVES

If Planning Application PA-05-21 is denied, a restaurant may not occupy suite A-2 within the commercial center.

CONCLUSION

It is staff's opinion that the proposed restaurant will not have an adverse impact to the on- and off-site uses. There is adequate parking to support all businesses that are open during the evenings. The business is a restaurant with sales of alcoholic beverages secondary to the sales of food. The suite is also oriented away from the adjacent property to the east (Marriott) and separated from residential properties by either Bear Street or Baker Street, which is more than 100 feet wide, and is separated from the closest residential property by a minimum of 185 feet.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Applicant's Project Description and Justification
 Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Jay Spongberg
 Bear & Baker Limited
 P.O. Box 39
 Lakewood, CA 90714

Tojiro Okura
 2161 W. 182nd St., Ste. 104
 Torrance, CA 90504

File: 092605PA0521	Date: 091505	Time: 8:30 a.m.
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-21**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Tijiro Okura for Bear and Baker Limited, owner of real property located at 891 Baker Street, suite A-2, requesting approval of a conditional use permit to allow the sale of alcoholic beverages for on-site consumption after 11 p.m. (midnight proposed) for a restaurant within 200 feet of a residentially zoned property, and a minor conditional use permit to deviate from shared parking requirements; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 26, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-05-21 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for PA-05-21 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 26th day of September, 2005.

Chair, Costa Mesa
Planning Commission

H

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 26, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional and minor conditional use permits will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the primary use is a restaurant (not a bar or nightclub), with the sale of alcoholic beverages secondary to the sale of food. The business is oriented away from the adjacent property to the east and is separated from the residential property by Bear Street and Baker Street, which is more than 100 feet wide. Since half of the businesses within the commercial center close by 6 p.m., there is more than adequate parking available to accommodate the restaurant, which will only be open between 6 p.m. and midnight, and other businesses that are open in the evenings. Granting the use permits will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. The project is consistent with the General Plan.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The hours of operation shall be limited to 6 p.m. and midnight daily.
 2. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 3. If parking shortage or other parking-related problems arise, the applicant shall submit a parking management plan to the Planning Division addressing parking needs, use of spaces on-site, and on-site parking availability.
 4. There shall be no sales of alcoholic beverages for off-site consumption.
 5. At all times the premises is open for business, the sale of service of alcoholic beverages shall be made only in conjunction with the sale and service of food.
 6. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and meals during the same time period. The applicant shall at all times maintain records which reflect separately the gross sales of food and gross sales of alcoholic beverages of the business. The records shall be kept no less frequently than on a quarterly basis and shall be made available to the Development Services Director or his/her designee on demand.
 7. The restaurant shall remain a "bona fide eating place" as defined by section 23038 of the California Business and Professional Code.
 8. Live entertainment or dancing shall be prohibited without prior approval of a conditional use permit.
 9. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 10. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #:

Environmental Determination:

Address: 891 BAKER ST. #A-2 COSTA MESA, CA,

1. Fully describe your request:

WE LIKED TO REQUEST THE ABOVE ADDRESS TO BE A FULL SERVICE
RESTAURANT WITH BEER & WINE LICENSE.
BUSINESS HOUR SHALL BE 11AM TO ~~12PM~~, MONDAY THRU SUNDAY.
1200m.

2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

Attached Justification letter.

- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.


Signature

5/16/05
Date

City of Costa Mesa
Planning Department
Re : 891 Baker St. #A-2 Costa Mesa

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT
JUL 28 2005

Justification Letter

To whom it may concern,

My client, Takee International Inc, is requesting from City of Costa Mesa located at the above address to convert the original donuts shop to a full service restaurant with beer & wine license.

Based on the form of non-resident parking standards, the donuts shop now has 6 parking spaces (4 spaces per 1,000 sqft with a minimum of 6 spaces)

If we convert to a full service restaurant, we need 15 parking spaces based on the City's parking standard. (10 spaces per 1,000 sqft for the first 3,000sqft) So we are short of 9 parking spaces.

My client will only be open dinner time between 6pm to 12pm. So If the City can compromise with our proposal, it could avoid a parking problem.

Business open during a daytime ;

Type of Business	# of sqft	#ofpark	Business Hour
Unit #1-6 Nail Spa & Hair Salon	765 sqft	6 parking	9:00am to 6:00pm
Unit #A-8 Insurance Agency	671 sqft	6 parking	9:00am to 5:00pm
Unit #A-12 Dentistry	1045 sqft	6 parking	9:30am to 6:00pm
Unit #B-11 Cleaner	962 sqft	6 parking	8:00am to 7:00pm
Unit #B-9 Hair Salon	698 sqft	6 parking	9:00am to 7:00pm
Unit #B-19 Travel Agency	904 sqft	6 parking	9:00am to 6:00pm
Unit #A-14 Cave Shop	978 sqft	6 parking	10:00am to 7:00pm
Unit #A-16 Pizza Shop	1430 sqft	14 parking	11am to 10 pm
Unit #B-1&3 Market	2136 sqft	8 parking	9am to 11 pm

Unit #B-15 Restaurant	1234 sqft	12 parking	11:30am to 9 pm
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Total Parking Spaces 76 parking Spaces

Business Open Night Time :

Type of Business	#of sqft	#ofPark	Business Hour
Unit #A-16 Pizza Shop	1430 sqft	14 parking	11:00am to 10pm
Unit #B-1&3 Market	2136 sqft	8 parking	9:00am to 11pm
Unit #B-15 Restaurant	1234 sqft	12 parking	11:30am to 9pm
Unit #A-2 Subject Business	1480 sqft	15 parking	6:00pm to 12am

Total Parking Spaces 49 parking Spaces

Number of Parking Spaces at above location :

Regular Car Parking	49-Spaces
Compact Car Parking	11-Spaces
Handicap Parking	3-Spaces.
Total	63-Spaces

We are also trying to get more parking spaces from the office building across the Baker Street by the time of Public Hearing with agreed parking lease contract for night time valet parking use.

We hope that you consider our proposal.

Thank you,

Takee International, Inc

Tojiro Okura-Agent

ZONING/LOCATION MAP

891 Baker Street, Suite A-2

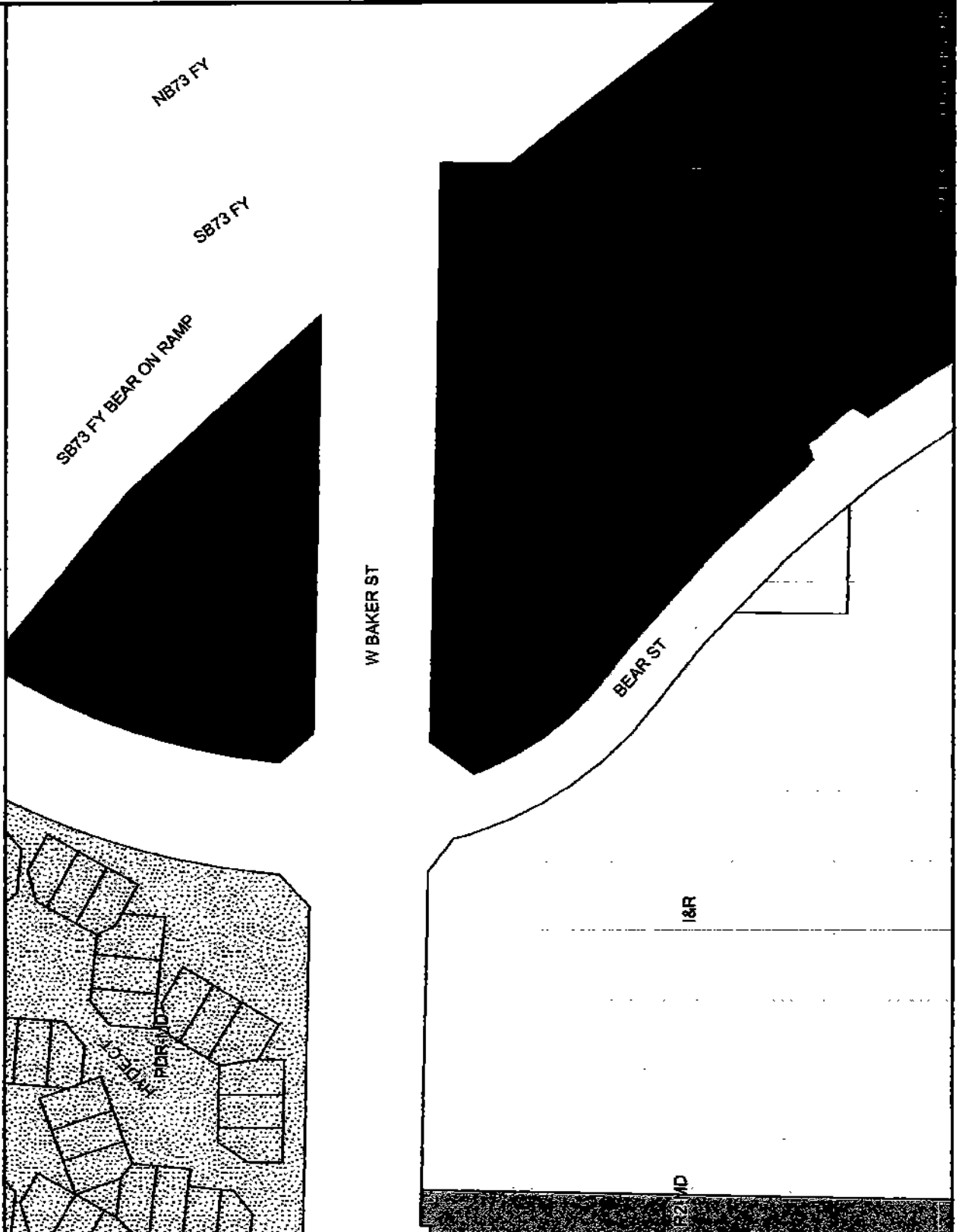
Legend

Street Names

Parcel Lines

City Boundary

Zoning

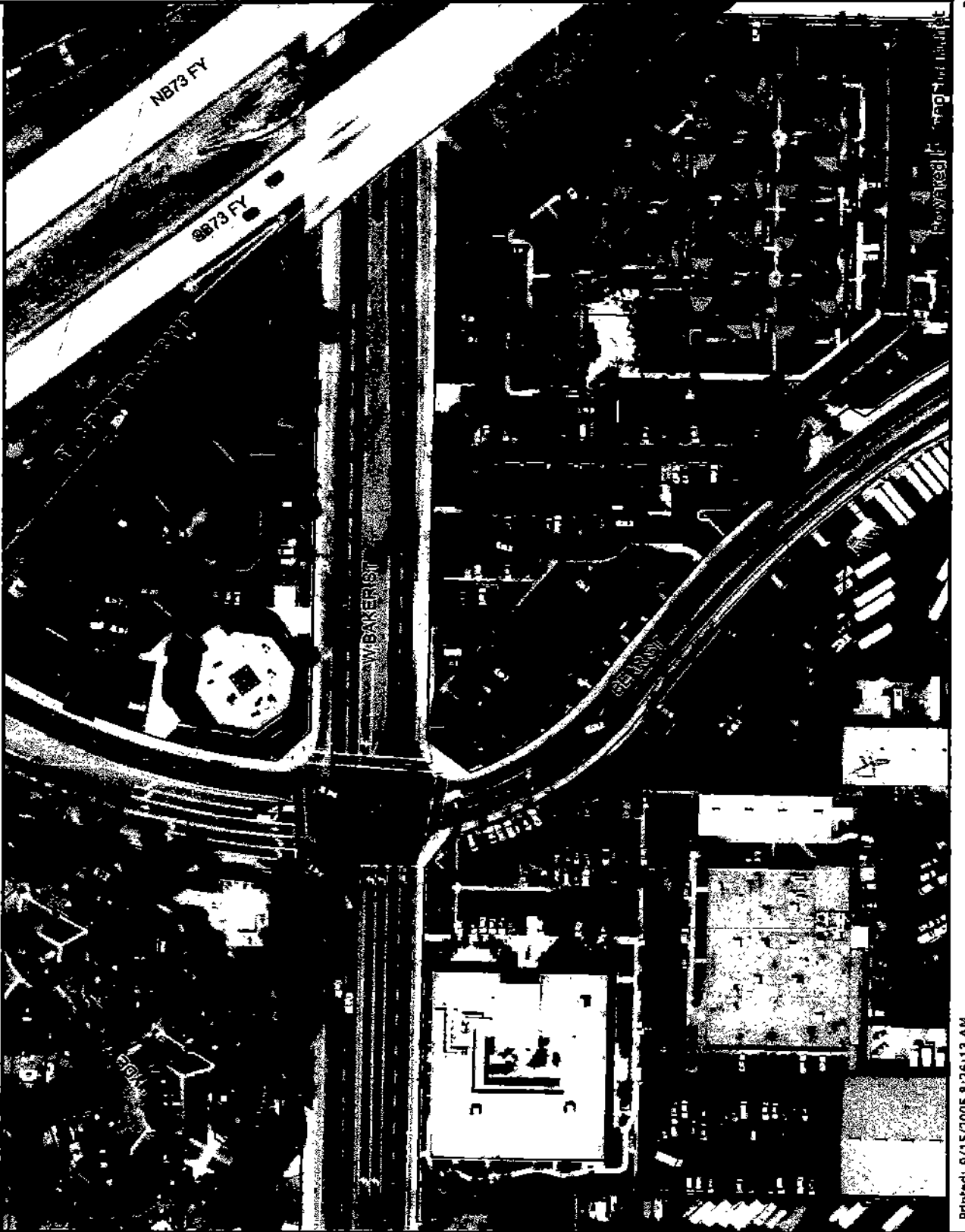


AERIAL PHOTOGRAPH

891 Baker Street, Suite A-2

Legend

- Street Names
- Parcel Lines
- City Boundary
- Ortho
Photography
- Parcels



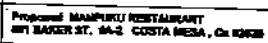
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A-



ROOM	SHOP NAME	ROOM	SHOP NAME
A-2	MIKE DOWNES	B-1	JIM HARRIS
A-6	ELEGANCE HALL SPA HAIR SALON	B-3	LIQUOR
A-8	STATE FARM INSURANCE	B-11	THE CLEANERS
A-12	COSTA MESA DENTISTRY	B-9	WOOD HAIR SALON
A-14	CRYSTAL CAVE	B-15	SUEDE RAPPO BARB MO II
A-18	PIRE OVER PIZZA	B-17	WAXEL AGENCY

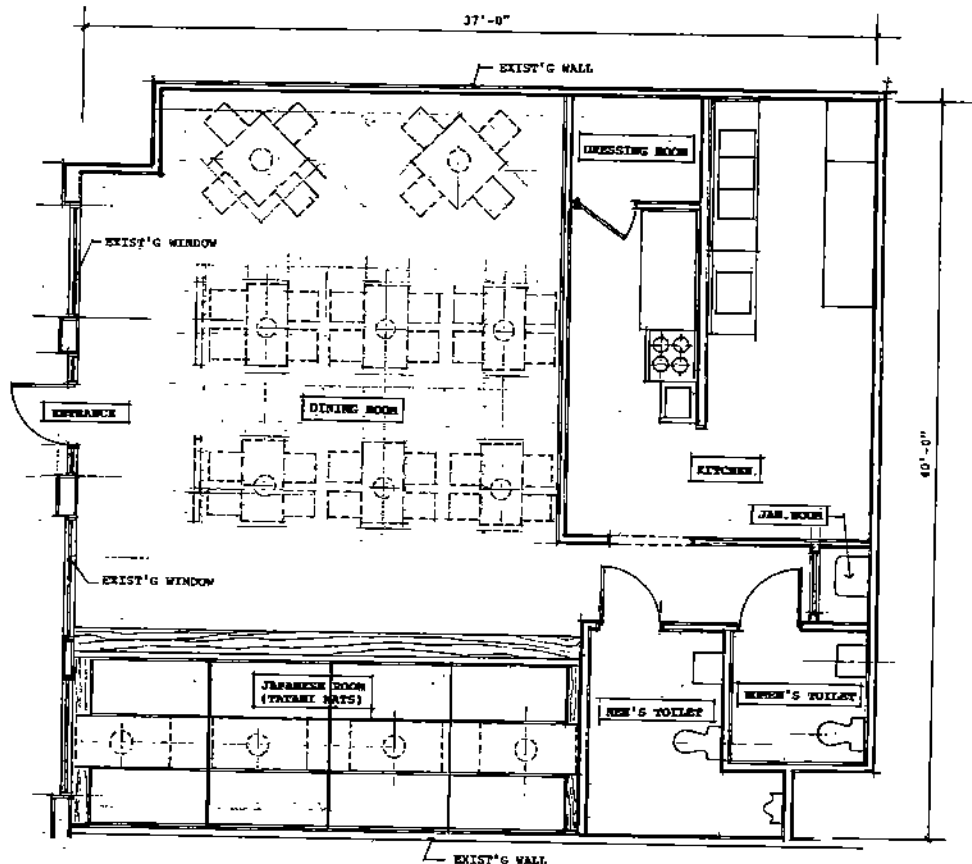
SCALE 1/30"=1'-0"



PROJECT ADDRESS:	(Tenant Improvement) 581 Baker St. #A-2 Costa Mesa, Ca 92626	
APPLICANT NAME:	TAKEE INTERNATIONAL INC. 2125 Saddle Blvd. L.A. Ca 90025 (310) 473-0580	
NUMBER OF STORY:	1	
SHOP AREA:	Total 1480 sf (40' X 37')	
PARKING SPACE:	REG. CAR PARKING	49-CAR
	COMP. CAR PARKING	11-CAR
	HDCP. PARKING	3-CAR
	TOTAL	63-CAR

BUILDING DATA

REVISION

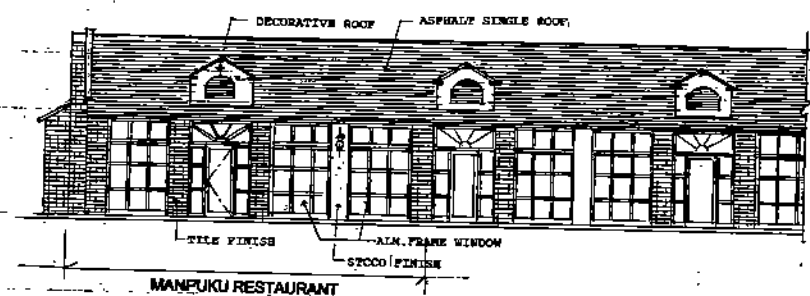


DINING AREA	850sf (48 SEAT)
KITCHEN AREA	395sf
OTHER AREA	275sf
TOTAL	1480sf



FLOOR PLAN

SCALE 1/8"=1'-0" ①



FRONT ELEVATION

SCALE 1/8"=1'-0" ②

MANPUKU RESTAURANT
301 BALBOA ST. J.S. COOK + ARCHT.

Date	
Scale	
Drawn	
Inch	
Sheet	A-2
BY	IN

124